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09/902,718	07/12/2001	Fern Beauchamp	409p1	1545

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EXAMINER

DANGANAN, JONI BALDOS

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 04/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/902,718

Applicant(s)
Fern Beauchamp

Examiner
Joni Danganan

Art Unit
3723



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jul 12, 2001 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

2. The drawings are objected to because:
 - (a) the first Figure 8 should include lines 15-15 and 16-16;
 - (b) the second Figure 8 should be deleted; and
 - (c) Figures 19 and 20 appear to be exactly the same as Figures 12 & 13, and therefore, are redundant.

Correction is required.

Specification

3. The disclosure is objected to because of the following informalities:
 - (a) page 1, line 19, change "are" to --art--;

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- (b) page 7, line 16, change "an end" to --a first end--;
- (c) page 7, line 17, change "an end" to --a second end--;
- (d) page 8, line 12, change "the presently preferred" to --an alternate--;
- (e) page 8, line 15, insert --of Figure 17-- after "cartridge";
- (f) page 9, line 1, insert --of Figure 17-- after "barrel";
- (g) page 9, line 3, insert --of Figure 17-- after "driver";
- (h) page 12, line 20, change "etui" to --equi--;
- (i) page 13, line 9, change "enter" to --enters--;
- (j) page 14, line 4, change "placed" to --place--;
- (k) page 14, line 9, change "slide able" to --slidable--;
- (l) page 16, line 13, change "service" to --surface--; and
- (m) in the abstract, line 1, change "The present invention a" to --A--.

Appropriate correction is required.

Claim Objections

- 4. Claims 1, 8 and 9 are objected to because of the following informalities:
 - (a) Claim 1, line 4, insert --said-- before "tool bits";
 - (b) Claim 8, line 2, change "assemblies" to --assembly--; and
 - (c) Claim 9, line 2, change "channels" to --channel--.

Appropriate correction is required.

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Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2, 3, 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 2 it is not clear what is meant by "said actuating means *including said tool bits* and being operable...".

Claim 16 recites the bit assemblies "include a bit extension." Is this "bit extension" different from the "flexible extension" already set forth in Claim 8?

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. Claims 1-13 and 15-17 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Cluthe 6,332,384.

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Allowable Subject Matter

9. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lemieux 3,750,729, Sato 6,205,893, Orlitzky et al. 4,762,036 and Koehler 5,325,745 disclose multi-driver tools similar to the disclosed invention.

Bih-Lien 5,337,637 discloses a tool in the related art.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joni Danganan whose telephone number is (703) 305-5930.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

jbd

April 21, 2002


Joni B. Danganan
Patent Examiner